## FOR UTILITY/DESIGN CIP/PCT NATIONAL/PLANT ORIGINAL/SUBSTITUTE/SUPPLEMENTAL DECLARATIONS

RULE 63 (37 C.F.R. 1.63)
DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and clitzenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and solin inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLES. INVENTION ENTITLES INVENTION ENTITLES. INVENTION ENTITLES INVENTION ENTITLES INVENTION ENTITLES INVENTION ENTITLES. INVENTION ENTITLES INVENTION ENTITLES INVENTION ENTITLES INVENTION ENTITLES INVENTION ENTITLES INVENTION ENTITLES INVENTION.

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	vas filed o			as U.S. Application No			
		s PCT International		No. PCT//		on	
and (if applicable to U.S.	or PCT ap	plication) was amended	on				
I hereby state that I have reviabove. I acknowledge the du foreign priority benefits under Application which designated certificate, or PCT Internation the application on which prior	uty to disclo r 35 U.S.C. I at least on nal Applicati	se all information known to re 119(a)-(d) or 365(b) of any five e other country than the Unit on, filed by me or my assign	ne to be materia oreign application ed States, listed ee disclosing thi	I to patentability as define in(s) for patent or inventor i below and have also ide a subject matter claimed in	d in 37 C.F R. 's certificate, or tifled below are this application	.56. Except as not 365(a) of any PCT	ed below, I hereby claim International
PRIOR FOREIGN APPLI	CATION(	S)  Day/MONTH/Y	ear Filed	Date first Laid- open or Publish	Date	Patented P	riority NOT Claimed
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ends/sent this case to them and/or a below attorney in wri	and by who	mwhich i nereby declare tha	at I have consen	ted after full disclosure to	be represented	unless/until I instru	ct the above Firm
Lloyd Knight	17698	David A. Jakopin	32995	Sean Fitzgerald	32027	James R. Thei	in 31710
George M. Sirilla	18221	Robert D. Anderson	33826	Leo V. Novakoski	37198	Peter Lam	44855
Man K. Aldous	31905	Cynthia Thomas Faatz	39973	Mark Seeley	32299	Gene I. Su	45140
effrey S. Draeger	41000	Charles A. Mirho	41199	Raymond J. Werner	34752	Seth Z. Kalson	
avid J. Kaplan homas C. Reynolds	41105	Kenneth M. Seddon	43105	Calvin E. Wells	43256	Naomi Obinat	
loward A. Skaist	32488 36008	Steven C. Stewart Thomas Raleigh Lane	33555 42781	Evan Finkel	49059	Steven C. Ska	
Charles K. Young	39435	Mark G. Paulson	42781 30793	W. Patrick Bengtsson Jack S. Barufka	32456	Robert G. Win	
Dale S. Lazar	28872	Stephen C. Glazier	31361	Adam R. Hess	37087	Robin L. Teski	
Slenn J. Perry	28458	Paul F. McQuade	31542	William P. Atkins	41835 38821	Anthony L. Mie Robert J. Walt	
6. Paul Edgell	24238	Richard H. Zaitlen	27248	Paul L. Sharer	36004	Jeffrey D. Kar	
Roger R. Wise	31204	Joseph R. Bond	36458	Richard C. Calderwood		Joiney D. Rail	~on 30914
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1) INVENTOR'S SIGNAT		Mykumas		Da	te: 2	2 Januar	4 2002.
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		irst	Middle Initi	al	F	amily Name	
Residence Portland			OR			CANADA	
		City		State/Foreign Country			of Citizenship
ost Office Address		5283 NW Crady Lane				Country C	п опсинянр
nclude Zip Code)		97229	I				
2) INVENTOR'S SIGNAT	URF:	JH		Da	1/	22/02	
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esidence Portland		First	Middle Initial			amily Name	
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ost Office Address		17620 NW Blacktail Driv	/e				
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OR ADDITIONAL IN	VENTO	RS, "X" box T and	proceed o	n the attached na	ge to list e	ach additional	inventor
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PW FORM

a) ...Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability...(b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

## PATENT LAWS 35 U.S.C.

## §102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or

(d)

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- the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months\* before the filing of the application in the United States, or
- the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- he did not himself invent the subject matter sought to be patented, or
- before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

## §103. Condition for patentability; non-obvious subject matter

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 10.2 of this title, If the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made. . . . .
- (c) Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

<sup>\*</sup> Six months for Design Applications (35 U.S.C. 172).